

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Darryl Mungin,)	CIVIL ACTION NO. 2:11-0340-MBS-BM
)	
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
Detective Eugene Magwood,)	
)	
Defendant.)	
_____)	

This action has been filed by the Plaintiff, pro se, pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights. The Plaintiff has now filed a motion to dismiss his Complaint, without prejudice. Plaintiff notes in his motion that he is currently detained at a detention center, which Plaintiff contends will restrict his ability to properly pursue his case. The Defendant does not oppose Plaintiff's motion.

Pursuant to Rule 41(a)(2), Fed.R.Civ.P., an action may be dismissed at the Plaintiff's request on terms that the Court considers proper. Here, the Plaintiff seeks a dismissal of this case without prejudice, indicating in his motion that he may pursue the matter at a later date, and the Defendant does not oppose a dismissal of the case without prejudice at this time.

Based on the foregoing, it is recommended that the Plaintiff's motion be **granted**, and that this case be **dismissed** without prejudice.



The parties are also referred to the Notice Page attached hereto.



Bristow Marchant
United States Magistrate Judge

June 7, 2011

Charleston, South Carolina



Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
Post Office Box 395
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).